

FEB 25 1997

DRE-8J

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Samuel S. Waldo  
Director of Environmental Affairs  
Amphenol Corporation  
358 Hall Avenue  
P.O. Box 5030  
Wallingford, Connecticut

Re: Administrative Order on Consent  
(Dated November 27, 1990)  
Franklin Power Products/Amphenol  
IND 044 587 848

Dear Mr. Waldo:

The United States Environmental Protection Agency (U.S. EPA) is in receipt of your letter of January 28, 1997, which rejects many of the conditions of U.S. EPA's letter of January 15, 1997.

Your January 28, 1997, letter raises several issues pertaining to the On-site Recovery System Evaluation Workplan and questions U.S. EPA's authority for calling for the development of such evaluation workplan at this time. U.S. EPA has repeatedly requested that Amphenol provide an assessment of the groundwater recovery system's effectiveness. Amphenol's responses to these requests have been vague with only minimal data provided. The data provided by Amphenol however, indicates that the groundwater recovery system is not sufficiently effective in reducing the discharge of contaminated groundwater to Hurricane Creek. U.S. EPA recognizes that installation of the on-site recovery system was not required as an Interim Corrective Measure by the above referenced Administrative Order on Consent (AOC) and was voluntarily installed by Respondents. However, the recovery system is proposed as a component of corrective measures and may provide significant environmental protection by minimizing the discharge of contaminated water to Hurricane Creek. It is therefore necessary that operation of the existing system be evaluated and optimized. Calling for implementation of a groundwater recovery system evaluation workplan at this time is reasonable, appropriate and consistent with the AOC.

Your January letter also raises the issue of U.S. EPA's approval condition for the Recovery System Evaluation Workplan which

requires the installation of 4 piezometers instead of three. Amphenol contends that the three new piezometers proposed in the Evaluation Workplan will provide an adequate assessment of the on-site recovery system. The fourth piezometer was recommended by Steve Acree (hydrologist, U.S. EPA Research Center, Ada, Oklahoma) to provide additional data near the eastern boundary of the facility. Without this piezometer, it is likely that the extent of groundwater capture will not be well defined resulting in a serious data gap. The requirement of the additional piezometer is not withdrawn.

As to the matter of the location of the Glendale Drive monitoring well, it is again recommended that the well be located near enough to the facility so as to provide both additional piezometric data and useful water quality data.

Your recent letter also questions U.S. EPA's authority to call for monthly progress reports. Please note that Section XI of the AOC specifies that monthly progress reports be submitted. The requirement for submittal of monthly progress reports was waived at one point in the corrective action process in consideration that significant activities in the future would generally be provided through correspondence between parties. U.S. EPA's January 1997 letter specified that monthly progress reports be submitted thereafter, thereby reinstating the requirement of monthly progress reports.

The groundwater recovery withdrawal records developed by your contractor will satisfy the data request pertaining to the recovery system for the monthly progress reports. The due dates for monthly reports will be extended to 30 days after the close of the reporting period. The reports for the months of January and February may be submitted with the March monthly report. In addition to the recovery system information, the monthly reports shall include the information specified in Section XI of the AOC.

Your recent letter rejects the recommendation to initiate deed restrictions for the Franklin facility stating that deed restrictions were presented in the CMS report only as possible controls. U.S. EPA points out that all alternatives remedies discussed in your Corrective Measures Study (CMS) report, with the exception of the no action alternative, included deed restrictions. Your letter also suggested that to initiate only one institutional control at this time is premature. The recordation of a deed restriction for the facility at this time is appropriate and necessary to support Amphenol's contention that industrial cleanup standards for the facility are appropriate. The existence of regulations pertaining to property transfer that may be in effect does not alter this conclusion but

rather provides additional control and an appropriate safety net for a facility where extensive contamination exists. Further, the implementation of such deed restriction is a separate action which is not contingent upon any other institutional control.

Your letter also stated that Franklin Power Products, the co-Respondent, is the owner of the subject facility and therefore initiation of a deed restriction is not the responsibility of Amphenol. However, you have long asserted your responsibility for the corrective action process. Unless it is adequately demonstrated that a deed restriction of the nature discussed is not implementable, such deed restriction shall be promptly initiated by Respondents.

Your January 1997, letter requests that the time to submit a report for the Recovery System Evaluation Workplan be extended to 100 days to provide time to solicit bids and select a contractor. U.S. EPA questions the need for an extensive time period to solicit bids for installation of shallow wells. Nevertheless, the time to submit a report for the Evaluation Workplan is extended. The report for the Recovery System Evaluation Workplan shall be submitted within 100 days of the date of receipt of this letter.

Most significantly, your January letter advises that due to unresolved issues, Amphenol will not proceed with field activities until the issues are resolved. We find it unfortunate that Amphenol has refused to proceed with reasonable and appropriate requests that are consistent with the AOC; it demonstrates a recalcitrant attitude by Amphenol. The above requirements are highly appropriate for the corrective action process and within the purview of the AOC.

Failure to submit a timely report for the Recovery System Evaluation Workplan (including installation of the additional piezometer), the monthly progress reports as specified, or demonstrate a timely effort to enact a facility deed restriction, will be considered to be violations of the AOC.

If you have any questions please feel free to call Larry L. Johnson of U.S. EPA's legal staff at (312) 886-6609, or Bill Buller of my staff at (312) 886-4568.

Sincerely,

Paul Little, Chief  
Waste, Pesticides and Toxics Division  
Enforcement and Compliance Assurance Branch  
MI/WI Section

cc: J. Michael Jarvis, Franklin Power Products  
John Koehnen, A.T. Kearney  
Michael Sickles, IDEM

bcc: Larry Johnson, ORC